



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number Oct. 11-114 RZ/F

Case Type Rezoning & Final Plat (Replat)

Project Name Rosewood Meadows
(replat of Lot 2, Sundown Farm)

Contact Martin Mueller
McLaughlin Mueller, Inc.
218 W Mill Street
Liberty, MO 64068

Applicant << SAME AS CONTACT >>

Owner Richard E. & Judith A. (Ann) Case Trust
P.O. Box 890
Kearney, MO 64060

Request **Rezoning** from Agricultural (AG) to Residential Rural Density District (R-1) for LOTS 2 and 3 ONLY and **Final Plat (Replat)** approval of Rosewood Meadows (a replat of Lot 2, Sundown Farm)

Application Submittal 2011-08-30

Public Notice Published 2011-09-15

Neighbor Letters Sent 2011-09-16

Report Date 2011-09-27

REPORT AUTHOR(S) Matt Tapp, Director
Debbie Viviano, Planner

Recommendation APPROVAL with conditions



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General Information

- Site Location:** Approximately 15813 Plattsburg Road
Section 29 | Township 53 | Range 31
- Site Size:** 57.89± acres
- Existing Landuse & Zoning:** Agricultural (AG)
- Zoning/Platting History:** Final Plat – Sundown Farm, recorded 03/29/1999.
- Surrounding Landuse & Zoning:**
- North – Agricultural (AG) Zoned Land
 - East – City of Kearney (approx. 1 mile), Agricultural (AG) Zoned Land
 - South – Lot 1 of Sundown Farm, Applewood Farms (R-1A), Agricultural (AG) Zoned Land
 - West – Mt. Gilead School and Church, and few R-1 and R-1A zoned subdivisions, Agricultural (AG) Zoned Land

Current conditions:

Existing Property Lines = YELLOW

1 inch = 500 feet





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Assessment

Martin Mueller, McLaughlin Mueller Inc., representing Richard and Ann Case Trust, is requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural Density District (R-1) for LOTS 2 and 3 ONLY and **Final Plat (Replat)** approval for Rosewood Meadows (replat of Lot 2, Sundown Farm) 57.89± acres located at approximately 15813 Plattsburg Road.

The property owners would like to divide the land to create two (2) new additional single-family dwelling lots.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽ⁿ⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽ⁿ⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
		Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway, yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

Character of the General Neighborhood

Agricultural (AG) zoned property is in all directions of the subject property. A few R-1 and R-1A zoned subdivisions lie mainly to the south and west. The historic Mt. Gilead School and Church sit across Plattsburg Road from the northern portion of the subject property, and the City of Kearney is about 1 mile to the south and east [See Attachment B].

Code Considerations

REZONING:

The rezoning application was properly noticed in the Kearney Courier on September 15, 2011. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated September 16, 2011. In accordance with **Section 151-3.3 (F)** of the Clay County Land Development Code ("LDC"), the petitioner should fully address the five (5) rezoning criteria and standards outlined below:

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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FINAL PLAT (REPLAT):

In accordance with **Section 151-3.6 (C)** of the LDC, a replat may be processed the same as a Final Plat without having a prerequisite Preliminary Plat but with certain additional information (houses, accessory structures, ponds, etc.) that will then be removed for the recording copies of the Final Plat. Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC for a replat*.

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated September 16, 2011.

Outside Agency review

The Clay County Highway Department has given approval and noted the following: "Plattsburg Rd. – All (3) lots look to meet sight distance and drainage requirements Clay County TSDC [Technical Specification Design Criteria]". Plattsburg Road is an asphalt surface.

The Clay County Health Department has given preliminary approval of the project and noted morphologies must be performed on Lots 2 and 3 before the recording of the plat. Public Water Supply District (PWSD) #6 presently provides water service for the existing single family residence on proposed Lot 1, and is able to supply water for the additional two (2) lots. The Kearney Fire District serves this property.

The existing pond structure on proposed Lot 1 was inspected by the Clay County Soil and Water Conservation District with the following note: "The structure (pond) is low hazard class (a). The condition is good, and serves well for livestock and wildlife use".

In a letter dated 09/19/2011, the City of Kearney indicated they do "not oppose the project, at this time".

Findings

The tributary traversing the southwestern portion of the subject property is considered an active stream channel, and as such must meet the required stream setbacks within Section 151-11.2 (C) of the LDC. The first 50 feet must be designated as "Zone 1" and the remaining 25 feet noted as "Zone 2" on the plat, and a note stating: "*There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County*". Any activity taking place within the Stream Setback zones should have approval of the Planning & Zoning Department.

Road Impact Fees (*RIF*) are not required for proposed Lot 1 as it occupies the existing single family residence. However, RIF will be required for the 2 additional lots generated (Lots 2 and 3), and must be paid prior to the recording of the final plat.



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Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) District to Residential Rural District (R-1) for LOTS 2 and 3 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Final Plat (Replat)** of **Rosewood Meadows** (a replat of Lot 2, Sundown Farm) be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lots 2 and 3 prior to the recording of the final plat.
2. Soil morphologies completed and approved by the Clay County Health Department for Lots 2 and 3 before the recording of the final plat.
3. The following changes to the Final Plat:
 - a. ADD: Stream Setback Zone 1 and Zone 2 graphics on plat map.
 - b. ADD NOTE: *"There shall be no clearing, grading, construction or disturbance of vegetation in the stream setback easement except as permitted by Clay County."*

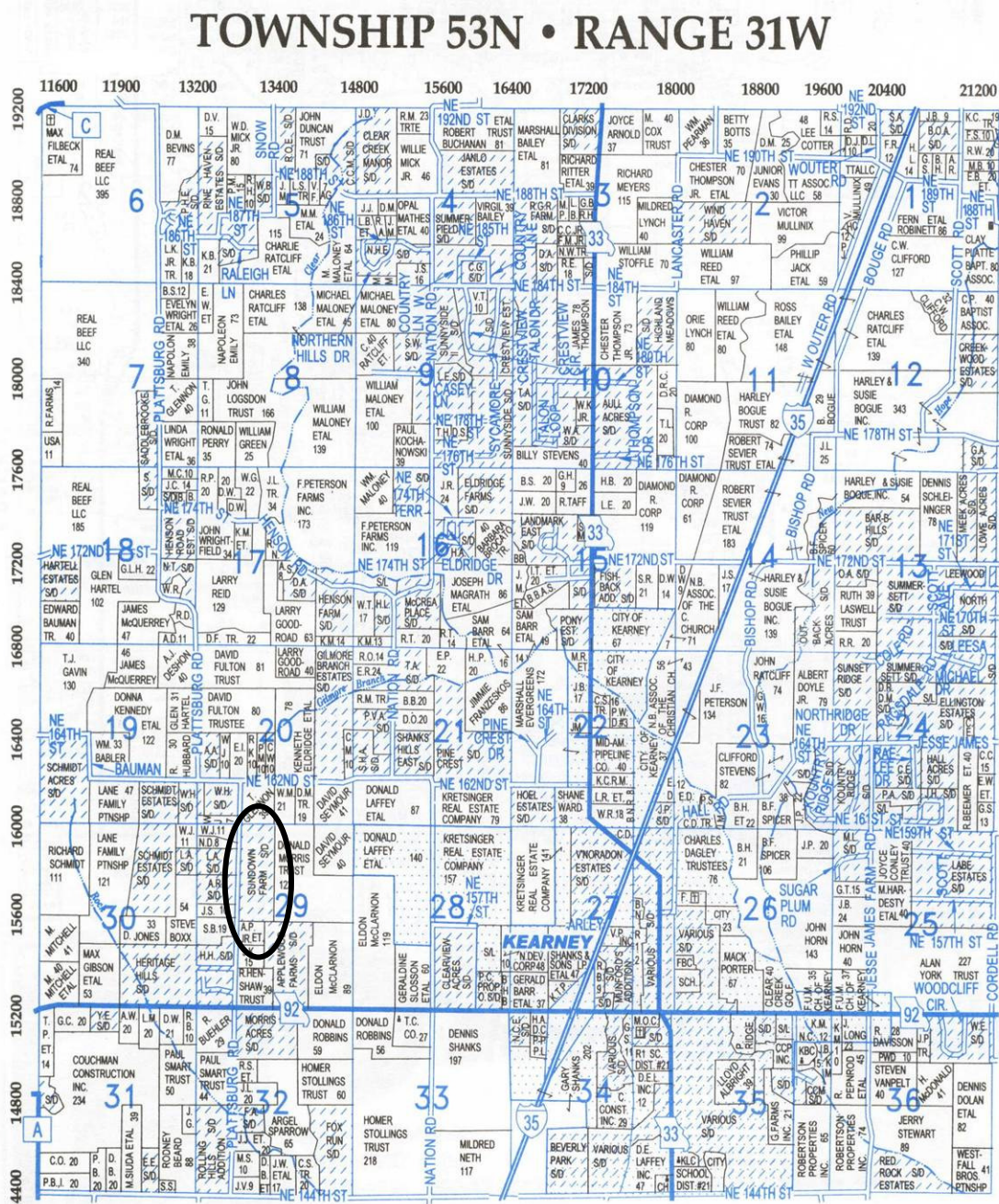


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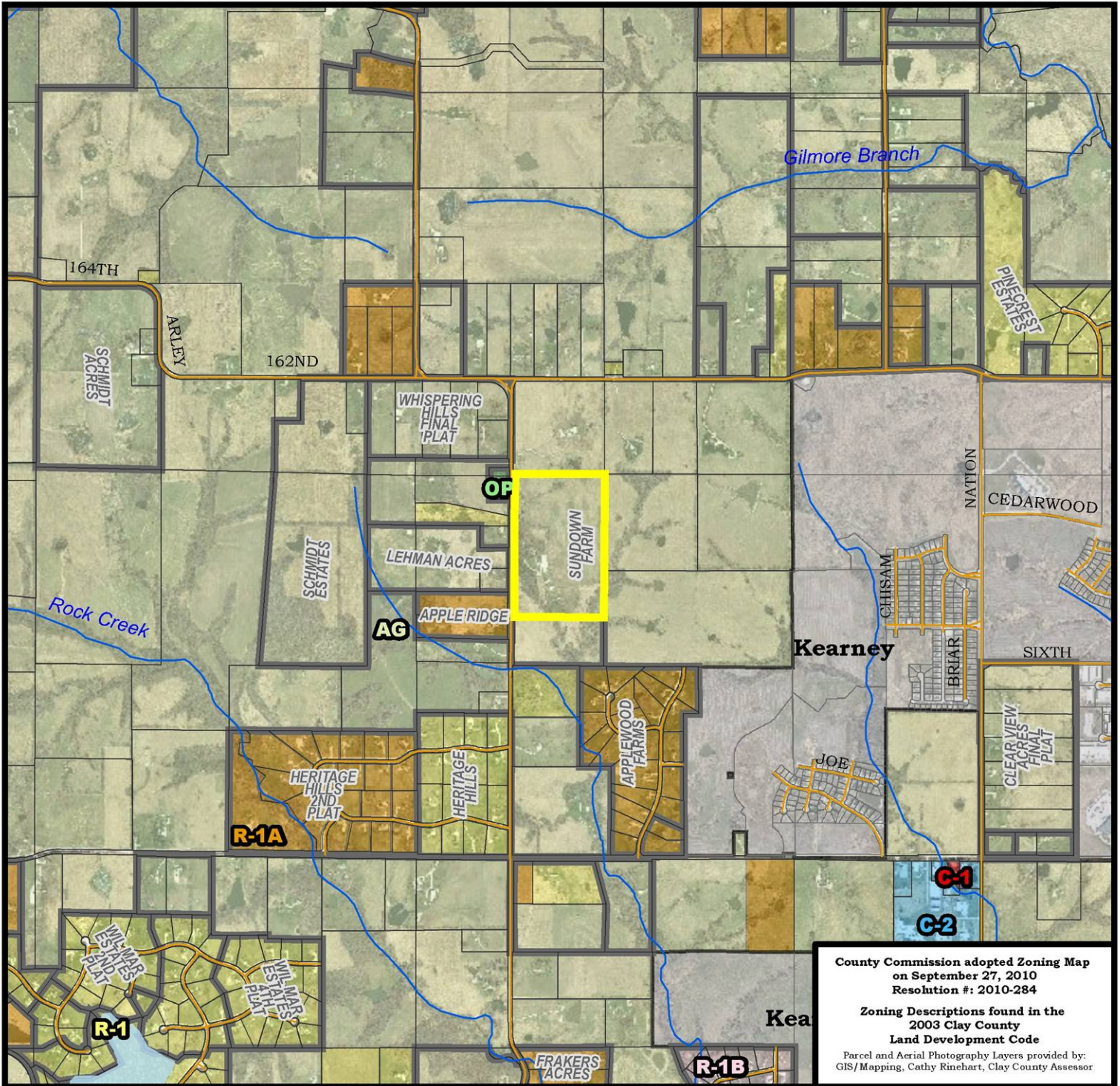
Attachments

Oct. 11-114 RZ/F – Rosewood Meadows Attachment A – Vicinity Map



Oct 11-114RZ/F - Rosewood Meadows

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on September 27, 2010
Resolution #: 2010-284

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

Property Outline

parcel

~~~~~ Streams (EPA)

——— Railroads

### Roads

CLASS

——— Interstates

——— State Highways

——— Local Roads

——— Highway Ramps

Subdivisions

County Boundaries

2011 City Limits

Parks

### Zoning Districts

AG

R-1

R-1A

R-1B

R-3

C-1

C-2

C-3

I-1

I-2

OP

AG/PUD

R-1B/PUD

I-1/PUD

R-1A/I-1/PUD

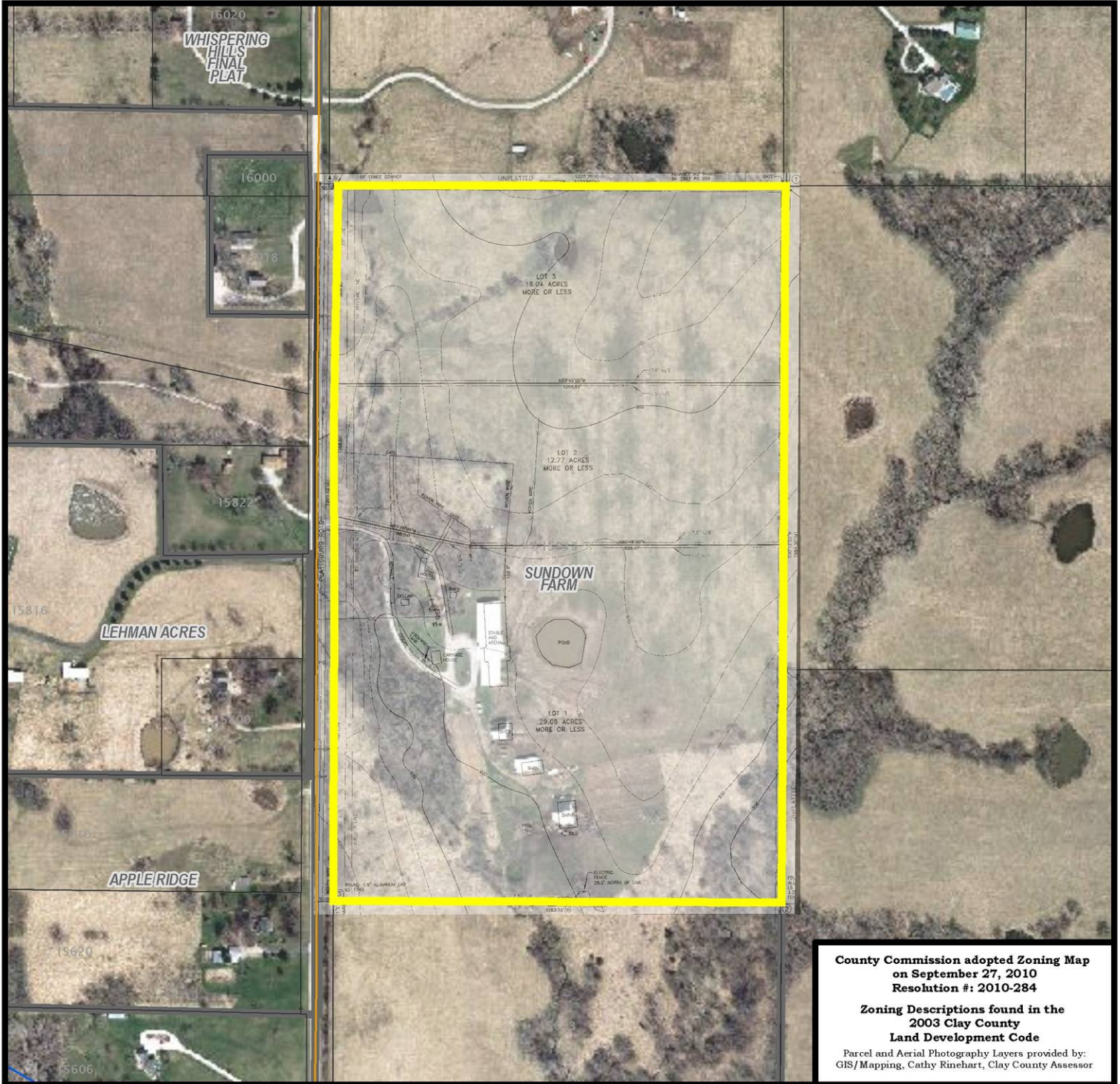
R-1B/C-2/PUD

R-1A/CD



# Oct 11-114RZ/F - Rosewood Meadows

## Attachment C - Site Plan Map



County Commission adopted Zoning Map  
on September 27, 2010  
Resolution #: 2010-284

Zoning Descriptions found in the  
2003 Clay County  
Land Development Code

Parcel and Aerial Photography Layers provided by:  
GIS/Mapping, Cathy Rinehart, Clay County Assessor

**Planning & Zoning Department**



1 inch = 400 feet  
1 inch = 0.08 miles

### LEGEND

Rosewood Meadows Property

parcel

~~~~~ Streams (EPA)

——— Railroads

Roads

CLASS

——— Interstates

——— State Highways

——— Local Roads

——— Highway Ramps

Subdivisions

County Boundaries

2011 City Limits

Parks